

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19 CR 131**

UNITED STATES OF AMERICA,)	
)	
v.)	
)	ORDER
JAMES ROBERT WEST, II,)	
)	
Defendant,)	
)	
and)	
)	
EASTERN BAND OF CHEROKEE INDIANS,)	
)	
Garnishee.)	
)	

This matter is before the Court on the Government’s Final Accounting (Doc. 96) and its Motion for Dismissal of Order of Continuing Garnishment (“Motion to Dismiss” Doc. 97).

In its criminal judgment, the District Court directed Defendant to pay a special assessment of \$100.00 and restitution in the amount of \$13,614.70. Doc 82.

On January 25, 2022, the Government filed an application for a writ of continuing garnishment directed to the Eastern Band of Cherokee Indians (“Tribe”), stating that the balance owing as of that date was \$6,200.70. A Writ was issued the following day. Doc. 89.

After the Tribe filed an answer and a response to the Writ, the Government filed a Motion for Order of Continuing Garnishment, again stating that the balance due as of January 25, 2022, was \$6,200.70. Doc. 93.

On June 30, 2022, the Court granted the Government's motion and issued an Order of Continuing Garnishment. Doc. 95.

On July 6, 2022, the Government filed its Final Accounting and the Motion to Dismiss. The Motion states that "the balance of the assessment, fine and/or restitution debt has been satisfied." However, the Final Accounting also states that "the United States Attorney's Office, Financial Litigation Unit, has received two garnishment payments from the Garnishee, totaling \$13,689.70."

While the undersigned acknowledges the Government's statement that Defendant's debt has been fully paid, the Court also wishes to ensure that Defendant's interests have been protected. In that regard, it is not clear why the Government would have received \$13,689.70 from the Tribe pursuant to the Order of Continuing Garnishment when the balance that was then due, as referenced by the Order, was approximately \$6,200.

Accordingly, the Government is directed to file, within 10 days of the entry of this Order, an amended final accounting or other such information that provides further details regarding the payments received by or on behalf of Defendant.

It is so ordered.

Signed: July 7, 2022

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

